

COUNTY OF SUFFOLK

Z-2



Steven Bellone
SUFFOLK COUNTY EXECUTIVE

Natalie Wright
Commissioner

Department of Economic Development and Planning
Division of Planning and Environment

STAFF REPORT

SECTIONS A14-14 THRU A14-24 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE

Applicant: MS Packaging & Supply Corp.
Municipality: Town of Brookhaven
Location: n/w/c Natcon Drive and Roned Road. (Brookhaven R&D Park) e/o William Floyd Parkway (CR 46), Hamlet of Shirley.

Received: 4/21/21
File Number: BR-21-05
T.P.I.N.: 0200 55400 0300 004041,004045 & 004046
Jurisdiction: Within 500' NYS Rte. 495. & within the Suffolk County Pine Barrens zone

ZONING DATA

- Zoning Classification: Industrial 1 (Light Industrial)
- Minimum Lot Area: 120,000 SF
- Section 278: No
- Obtained Variance: No - Planning Board parking variance

SUPPLEMENTARY INFORMATION

- Within Agricultural District: No
- Shoreline Resource/Hazard Consideration: No
- Received Health Services Approval: No
- Property Considered for Affordable Housing Criteria: NA
- Property has Historical/Archaeological Significance: No
- Property Previously Subdivided: No
- Property Previously Reviewed by Planning Commission: No
- SEQRA Information: Full EAF
- SEQRA Type: unlisted
- Minority or Economic Distressed: No

SITE DESCRIPTION

- Present Land Use: Vacant Land
- Existing Structures: None
- General Character of Site: Gently rolling and naturally wooded
- Range of Elevation within Site: 70'-75' amsl
- Cover: Wooded
- Soil Types: Plymouth and Riverhead series
- Range of Slopes (Soils Map): 0-8%
- Waterbodies or Wetlands: None

NATURE OF SUBDIVISION/ NATURE OF MUNICIPAL ZONING REQUEST

- Type: Site Plan/Special Use Permit/variances
- Layout: Standalone building
- Area of Tract: 11.089
- Yield Map: N/A
 - No. of Lots: N/A
 - Lot Area Range: N/A
- Open Space: 3.89 ac

ACCESS

- Roads: Public
- Driveways: Private

ENVIRONMENTAL INFORMATION

- Stormwater Drainage
 - Design of System: cb/lp (beneath parking)
 - Recharge Basins “drainage area” swale
- Groundwater Management Zone: III
- Water Supply: Public – SCWA
- Sanitary Sewers: Public – Connect to Town of Brookhaven Sewer District #2 – Brookhaven Technology Center

PROPOSAL DETAILS

OVERVIEW – Applicants seek site plan and variance approval from the Brookhaven Town Planning Board on an 11.089 acre wooded property for the construction of a proposed 144,906 square foot, 2 story (40’ high) warehouse facility with associated site improvements including parking, drainage utilities, landscaping, etc. The proposed 144,906 SF building will include a 138,173 SF footprint and 6,733 SF second floor.

The subject property is located in an existing but underdeveloped industrial park now known as the Brookhaven Technology Center (aka the Brookhaven R&D Industrial Park). The park is located on the southeast corner of the Long Island Expressway (NYS Rte. 495) and the William Floyd Parkway (CR 46) in the hamlet of Shirley.

Access to the proposed development is to be from two uncontrolled access point to Natcon Drive east and west of the subject building location.

The subject property is within the Town of Brookhaven existing Sewer District No. 2 and the building is anticipated to make a connection to the District. According to the application referral. Anticipated waste water flow is 5,796 gallons per day.

Potable water to the proposed subject development site will be provided by existing SCWA mains.

The proposed industrial warehouse building requires that the Town Planning Board grant a parking variance.

The applicant proposes, by representation on referred materials from the Brookhaven Town Planning Board, that “stormwater generated over the property will be directed to the on-site stormwater management system consisting of precast concrete drywells and a drainage reserve area to detain and recharge stormwater to groundwater.”

The project is in the Compatible Growth Area of the Central Pine Barrens Zone and, based on the concept plans and materials referred to the Suffolk County Planning Commission from the Town of Brookhaven Planning Board, will provide a total of 35% of the site's acreage as retained natural open space.

The subject property is located in a corridor of mostly improved Light industrial land that characterizes the Brookhaven Technology Center (aka the Brookhaven R&D Industrial Park). To the north the site abuts the Long Island Expressway (NYS Rte. 495) and to the south the site abuts Natcon Drive. To the east borders Boned Rd and vacant disturbed land in the J8 zoning district. To the west the project site abuts improved industrial land.

The subject property is within an area now or formally designated by the Town of Brookhaven as an Empire Zone (to stimulate economic development via private investment).

There are no mass transit providers in close proximity to the subject site. Suffolk County Bus Routes S66 and SS68 run along Sunrise Highway (NYS Rte.27) and Montauk Highway (NYS Rte. 27A) to the south. History shows the subject area was once served by Suffolk Transit's 7D bus line which has since been discontinued and no other bus line/route now directly services the subject area.

The proposed project site is within Hydro-geologic Management Zone III as per the Long Island Comprehensive Water Treatment Management Plan (LI 208 Study) and Article 6 of the Suffolk County Sanitary Code. The subject parcel is located in the Central Suffolk State Special Groundwater Protection Area (SGPA), but not in a State designated Critical Environmental Area. The site contains no regulated fresh or tidal wetlands.

STAFF ANALYSIS

GENERAL MUNICIPAL LAW CONSIDERATIONS: New York State General Municipal Law, Section 239-I provides for the Suffolk County Planning Commission to consider inter-community issues. Included are such issues as compatibility of land uses, community character, public convenience and maintaining a satisfactory community environment.

The subject application for site development includes a parcel located in an existing Light Industrial Park (Brookhaven Technology Center, aka Brookhaven R & D Park) and is generally compatible with surrounding land uses within the Park. Properties to the south and west are improved with industrial buildings. With proper noise and lighting mitigation, it is not anticipated that the public convenience will be infringed and that the proposed project can be approved in a way that will continue to provide a satisfactory community environment.

LOCAL COMPREHENSIVE PLAN RECOMMENDATIONS:

The Town of Brookhaven Comprehensive Plan 1996 and the Town of Brookhaven Comprehensive Land Use Plan for 2030 (7/26/2010) identifies the subject property for industrial use. It is the belief of the staff that the proposed action conforms to the spirit and intent of the recommendations of the Town of Brookhaven Comprehensive Plans.

Town plans do indicate however, that the subject area near the quadrant of the Long Island Expressway and William Floyd Parkway should be considered as a future potential transportation center. The location is deemed suitable due to its close proximity to Brookhaven's Calabro Airport, major highway access and the Long Island Railroad.

In furtherance of this consideration, it has been reported that the Long Island Rail Road (LIRR) has undertaken a "Yaphank Station Relocation Study (<https://www.amodernli.com/project/new->

yaphank-station/) to better meet current and future transportation demands associated with existing and future commercial and residential economic development projects in Central and Eastern Suffolk County.” The subject property is in the vicinity of a potential relocation site. In light of the undertaking by the LIRR no final approval should be granted until the study is completed so that the impact and opportunities presented by the potential station relocation are known and considered, and whether the subject property is critical to the relocation of the station, and until any other recommendations for the subject property are considered and implemented where practicable.

SUFFOLK COUNTY PLANNING COMMISSION GUIDELINE CONSIDERATIONS:

The Suffolk County Planning Commissions has identified six general Critical County Wide Priorities and include:

1. Environmental Protection
2. Energy efficiency
3. Economic Development, Equity and Sustainability
4. Housing Diversity
5. Transportation and
6. Public Safety

These policies are reflected in the Suffolk County Planning Commission Guidebook (unanimously adopted July 11, 2012). Below are items for consideration regarding the above policies:

As indicated above all wastewater from the proposed development is to be treated via connection to Town of Brookhaven Sewer District #2.

Storm water drainage is purported be in conformance with Town of Brookhaven Code and will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The subject development proposal is shown to be within the 65% clearing limit designation by the Suffolk County Planning Commission and the Central Pine Barrens Joint Planning and Policy Commission Standards for clearance of natural woodlands and vegetation for commercial and industrial developments. As noted above, the applicant proposes, by representation on referred materials from the Brookhaven Town Planning Board, that “stormwater generated over the property will be directed to the on-site stormwater management system consisting of precast concrete drywells and a drainage reserve area to detain and recharge stormwater to groundwater. It is the belief of the staff to the Suffolk County Planning Commission that the applicant should be encouraged to review the Suffolk County Planning Commission publication on *Managing Stormwater-Natural Vegetation and Green Methodologies* and incorporate into the proposal, where practical, design elements contained therein. Opportunities exist on the subject development plan to include bio swales, rain gardens, etc.

No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicants should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein applicable to industrial development. Industrial buildings should be designed to accommodate rooftop solar and or green roof technologies to assist in energy efficiency and the reduction of greenhouse gases, particularly CO₂.

As noted above, the Long Island Rail Road (LIRR) has undertaken a “Yaphank Station Relocation Study (<https://www.amodernli.com/project/new-yaphank-station/>) to better meet current and future transportation demands associated with existing and future commercial and

residential economic development projects in Central and Eastern Suffolk County” and the subject property is in the vicinity of a potential relocation site. It is the belief of the staff of the Suffolk County Planning Commission that in light of the undertaking by the LIRR no final approval should be granted until the study is completed, so that the impact and opportunities presented by potential station relocation on subject property are known and considered and until any other recommendations for the subject property are considered and implemented.

The discontinued Suffolk County Transit bus routes along William Floyd Parkway with designated stops within and/or in front of the Brookhaven Technology Center should be considered into the future as more large development projects in the vicinity are completed. The Town and applicants should be advised to reach out to Suffolk County Transit and discuss bringing back accommodations for transit riders to the LIE-William Floyd Parkway crossroads area.

Little discussion is made in the petition to the Town and referred to the Commission on public safety and universal design. The applicant should review the Planning Commission guidelines particularly related to public safety and universal design and incorporate into the proposal, where practical, design elements contained therein.

Noted earlier was the fact that the project is in the Compatible Growth Area of the Central Pine Barrens Zone and based on the concept plans and materials referred to the Suffolk County Planning Commission from the Town of Brookhaven Planning Board will provide a total of 35% of the site's acreage as retained natural open space. The subject development proposal is shown to be within the 65% clearing limit designation by the Suffolk County Planning Commission and the Central Pine Barrens Joint Planning and Policy Commission Standards for clearance of natural woodlands and vegetation for commercial and industrial developments.

In order to mitigate any potential adverse impact to Central Pine Barrens Habitat, the Long Island Expressway from site lighting impacts, all lighting on site should be contained on site and not bleed off onto adjacent properties. Site lighting should conform to “dark-sky” initiatives.

The Town of Brookhaven Planning Board and the applicant when reviewing parking shortfalls may wish to consider the installation of an Electric Vehicle charging station as a mitigation to the variance request or other methods to reduce Greenhouse gas emissions, parking stall demand, and motor vehicle trip generation on site or in the industrial park. Techniques may include, but are not limited to parking management programs, employee commute options (rideshare incentives, preferred HOV parking), discounted transit passes (if applicable), provision of bicycle parking facilities, etc. The applicant should investigate “Parking Stall Demand Reduction” or “PSDR” techniques for the creation of additional buffers and natural storm water treatment. The Suffolk County Planning Commission has produced a draft “model code” and report on such PSDR techniques and has recommended that no building or structure should be constructed, used or occupied without the adoption of Parking Stall Demand Reduction (PSDR) techniques conditioned, through covenants and restrictions, on land use and development approvals issued by municipal planning boards. For convenience a link to the model code is provided below:

<https://www.suffolkcountyny.gov/portals/0/formsdocs/planning/SCPlanningCommission/2019/PSDR%20Final%20Draft%20103019.pdf>

STAFF RECOMMENDATION

Approval of the site plan and variance application of MS Packaging & Supply Corp with the following condition and comments:

Condition:

1. No final approval shall be given to the site plan and variance application of MS Packaging & Supply Corp until the Long Island Rail Road “Yaphank Station Relocation Study” is completed.

Reason:

It has been reported that the Long Island Rail Road (LIRR) has undertaken a “Yaphank Station Relocation Study (<https://www.amodernli.com/project/new-yaphank-station/>) to better meet current and future transportation demands associated with existing and future commercial and residential economic development projects in Central and Eastern Suffolk County.” The subject property is in the vicinity of a potential relocation site. The impact and opportunities presented by potential station relocation on the subject property shall be known and considered whether the subject property is critical to the relocation of the station. Any other recommendations for the subject property shall be considered and implemented where practicable.

Comments:

1. The applicant should contact/continue dialogue with the Suffolk County Department of Public Works with respect to connection to the Suffolk County Wastewater Sewer District #2 (Brookhaven R&D Park).
2. The applicant should contact/continue dialogue with the Central Pine Barrens Joint Planning and Policy Commission with respect to natural vegetation clearing restriction compliance and artificial site lighting as related to the Compatible Growth Area of the Central Pine Barrens Zone.
3. The applicant should be encouraged to review the Commissions publication on Managing Stormwater-Natural Vegetation and Green Methodologies and incorporate into the proposal, where practical, design elements contained therein.
4. No mention of the consideration of energy efficiency is provided in the referral material to the Suffolk County Planning Commission. The applicant should be encouraged to review the Suffolk County Planning Commission Guidebook particularly with respect to energy efficiency and incorporate where practical, elements contained therein.
5. The applicant should review the Planning Commission guidelines particularly related to public safety and incorporate into the proposal, where practical, design elements contained therein.
6. The applicant should review the Planning Commission guidelines particularly related to universal design and incorporate into the proposal, where practical, design elements contained therein.
7. In order to mitigate any potential adverse impact to the New York State 495 right-of-way to the north from site lighting impacts, all lighting on site should be contained on site and not bleed off onto adjacent properties and site lighting should conform to “dark-sky” initiatives and code ordinances.
8. The Town of Brookhaven Planning Board and the applicant when reviewing parking shortfalls may wish to consider the installation of an Electric Vehicle charging station as a

mitigation to the variance request or other methods to reduce Greenhouse gas emissions, parking stall demand, and motor vehicle trip generation on site or in the industrial park. Techniques may include, but are not limited to parking management programs, employee commute options (rideshare incentives, preferred HOV parking), discounted transit passes (if applicable), provision of bicycle parking facilities, etc. The applicant should investigate "Parking Stall Demand Reduction" or "PSDR" techniques for the creation of additional buffers and natural storm water treatment. The Suffolk County Planning Commission has produced a draft "model code" and report on such PSDR techniques and has recommended that no building or structure should be constructed, used or occupied without the adoption of Parking Stall Demand Reduction (PSDR) techniques conditioned, through covenants and restrictions, on land use and development approvals issued by municipal planning boards. For convenience a link to the model code is provided below:

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Area created may provide additional land for stormwater treatment via natural methodologies (see comments above).

9. Premises should be encumbered by appropriate operational restrictions to adequately protect nearby properties (i.e. shielded lighting, hours of operation, truck deliveries, garbage pick-up, truck idling, outdoor speaker systems, building alarms, trash compaction, etc.)
10. The discontinued Suffolk County Transit bus routes along William Floyd Parkway with designated stops within and/or in front of the Brookhaven Technology Center should be considered into the future as more large development projects in the vicinity are completed. The Town and applicants should be advised to reach out to Suffolk County Transit and discuss bringing back accommodations for transit riders to the LIE-William Floyd Parkway crossroads area.



